


Speaker:
Frank Ruelak
Facility Compliance
Professional,
SIRMC/DH

Session 309 Risk: **A Fundamental 4-Letter Word for
Compliance Professionals**

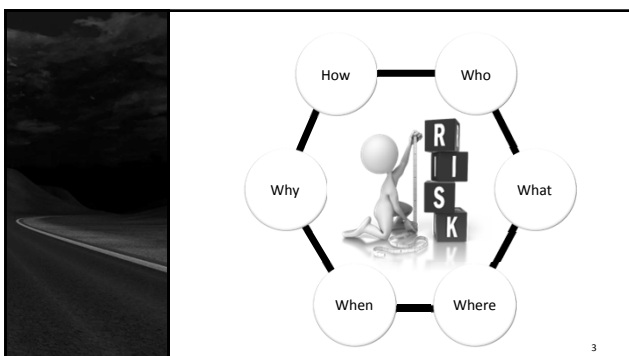


Break down risk into its fundamental components to better align mitigation activities or strategies

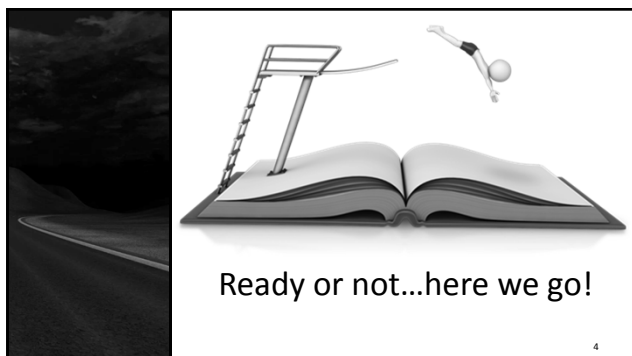
Compare and contrast qualitative and quantitative approaches to assessing risk

How other program elements (auditing and monitoring) provide information on risk management

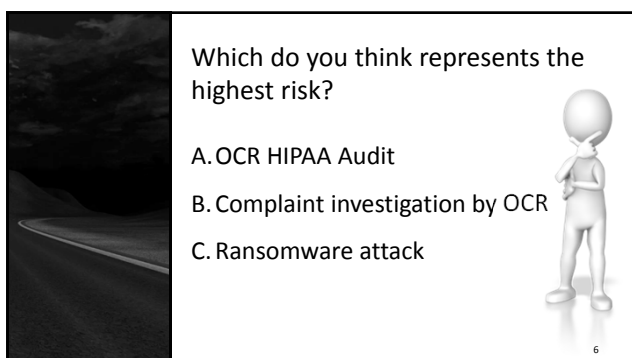
2



3










Let's set some context and give people a chance to find another session.



7



Who is from an organization where HIPAA applies?

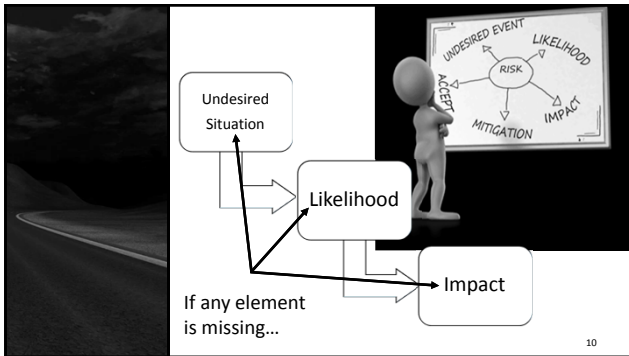
- A. Healthcare Provider
- B. Health Plan
- C. Clearinghouse
- D. Business Associate*

8

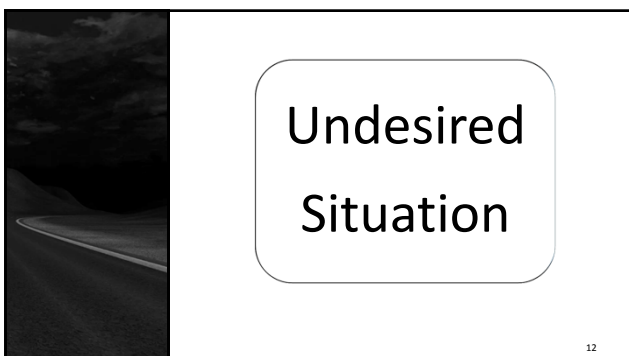





9











“Something” we would prefer not happen.

13




Undesirable Situation


What is the risk of losing your money in Las Vegas?



What is the risk of hitting a jackpot in Las Vegas???


Wait a minute...  this isn't undesirable?

14



Undesirable Situation

What is the risk of losing your money in Las Vegas?




Hey buddy...what's this???

15



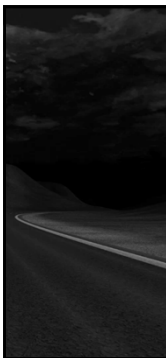
Undesirable Situation

What is the risk of winning a jackpot in Las Vegas?




That's more like it!

16



Undesirable Situation

What is the risk of winning a jackpot in Las Vegas?

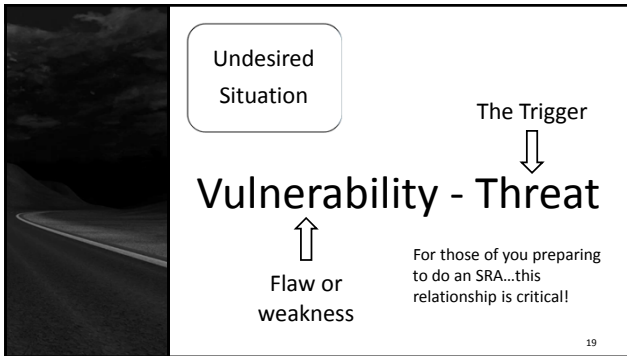


17



Aria Resort, Las Vegas, NV April 15-18, 2018





Undesired Situation = Successful Ransomware Attack


Most likely cause?

- A. Clicking on links or attachments
- B. Using an "infected" USB device
- C. Download from website

20


Likelihood

21



Will “something” happen?


22




Likelihood

Top synonyms:

- Possibility
- Probability
- Chance




23




Likelihood

Chance that what will happen?

A. Low
B. Medium
C. High




24




Impact

25



What we need to deal with when “something” happens.

26



Impact

Often described on some type of continuum or scale.


Nothing to worry about

We've got some issues

Ruin our day

Challenge


27



Fundamental Relationships

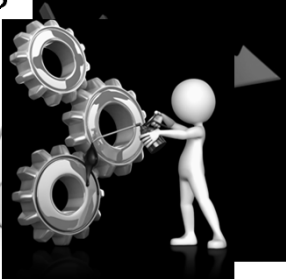


28




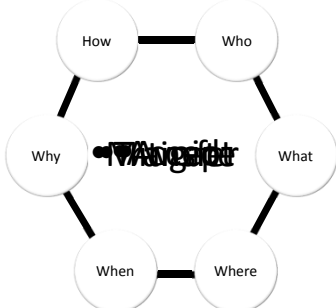
Choices

- ~~Nothing~~




29






30




Qualitative
vs
Quantitative

31



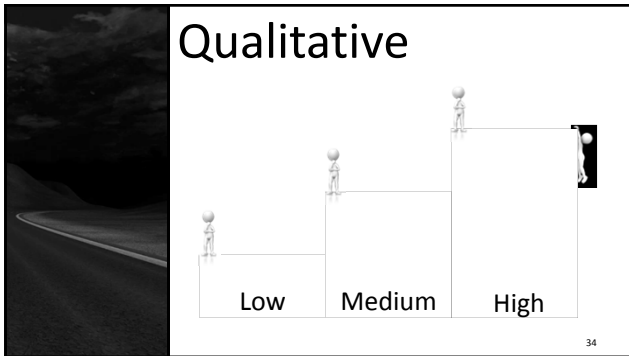
Quality
vs
Quantity

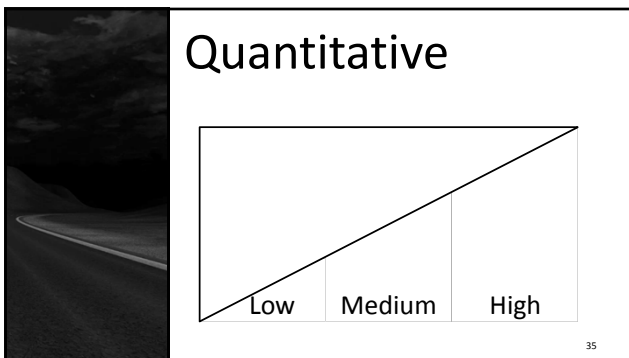
32

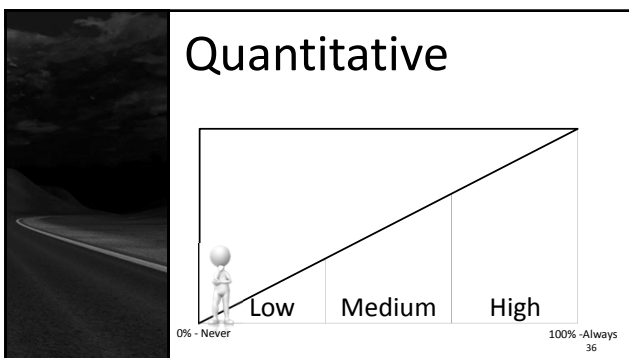


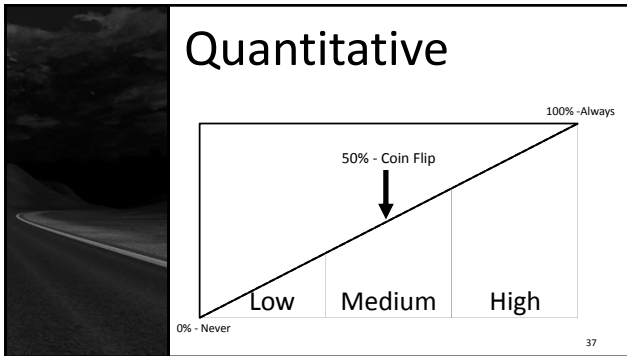
Quality (rating)
vs
Quantity (value)

33












Auditing & Monitoring

38




Auditing & Monitoring

Where would you rate overall effectiveness of the A&M element?

- A. High (1st, 2nd)
- B. Medium (3rd, 4th, 5th)
- C. Low (6th, 7th)

39




Auditing & Monitoring

How many samples do you need for a probe audit as described by CMS?

- A. 20
- B. 30
- C. 40

40




Auditing & Monitoring

Reasons to audit:

- Required by regulations
- Required by P&P
- By choice*

41



Auditing & Monitoring

Reasons to audit:

- Required by regulations
- Required by P&P
- By choice*

42




Auditing & Monitoring

Reasons people audit (or not):

- FEAR
 - Familiar
 - Experience
 - Assess Let's see how we can
 - Results apply this to the
 - Compliance Program...

43




Written Policies and Procedures

44



Designation of a Compliance Officer and a Compliance Committee

45




Conducting Effective Training and Education

46




Developing Effective Lines of Communication

47




Enforcing Standards Through Well-Publicized Disciplinary Guidelines

48




Auditing and Monitoring

49




Responding to Detected Offenses and Developing Corrective Action Initiatives

50



Written Policies and Procedures

- Tangible – “get your hands on them”
- Binomial state
- Possible e-strateg
- Meaningful
 - Regulations
 - Organization
 - Processes
 - Assistance



Written Policies and Procedures

- Standards of Conduct
- Risk Areas (18 call outs)
- Claims Development and Submission Process
- Medical Necessity – Reasonable Services
- Anti-Kickback and Self Referral
- Bad Debt
- Credit Balances
- Retention of Records
- Compliance as an Element of Performance

52

Written Policies and Procedures

- Standards of Conduct
- Risk Areas (18 call outs)
- Claims Development and Submission Process
- Medical Necessity – Reasonable Services
- Anti-Kickback and Self Referral
- Bad Debt
- Credit Balances
- Retention of Records
- Compliance as an Element of Performance


53

Risk Areas

- Billing for items or services not actually rendered;
- Providing medically unnecessary services;
- Upcoding;
- “DRG creep;”
- Outpatient services rendered in connection with inpatient stays;




54




Risk Areas

- Teaching physician and resident requirements for teaching hospitals;
- Duplicate billing;
- False cost reports;
- Unbundling;
- Billing for discharge in lieu of transfer;




55




Risk Areas

- Patients' freedom of choice;
- Credit balances—failure to refund;
- Hospital incentives that violate the anti-kickback statute or other similar Federal or State statute or regulation;
- Joint ventures;




56



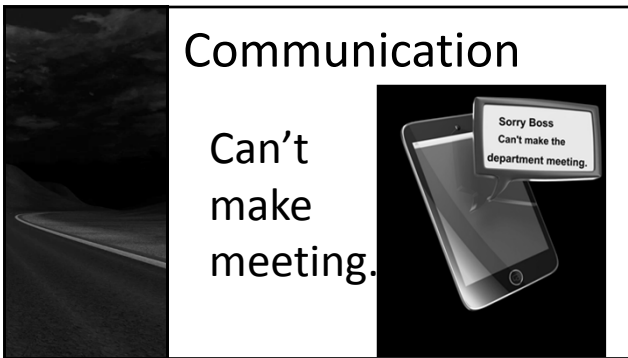
Risk Areas

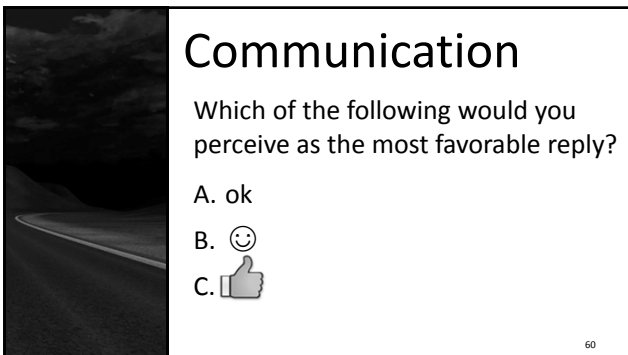
- Stark physician self-referral law;
- Knowing failure to provide covered services or necessary care to members of a health maintenance organization; and
- Patient dumping.
- Financial arrangements between hospitals and hospital-based physicians;



57









Mitigation

Let's talk about safeguards.

61



Mitigation

Let's talk about safeguards.

Administrative Safeguard

Example:
Policy and Procedure

62



Mitigation

Let's talk about safeguards.

Administrative Safeguard
Technical Safeguard

Example:
Login and Password

63



Mitigation

Let's talk about safeguards.

- Administrative Safeguard
- Technical Safeguard
- Physical Safeguard

Example:
Doors and Locks

64




Mitigation

Let's talk about safeguards.

- Administrative Safeguard
- Technical Safeguard
- Physical Safeguard


65



Mitigation

Apply resources where most effective.

66




Mitigation

Apply resources where most effective.

High Risk → Mitigation → High Risk

67



Mitigation

Apply resources where most effective.

High Risk → Mitigation → High Risk
High Risk → Mitigation → Medium Risk

68

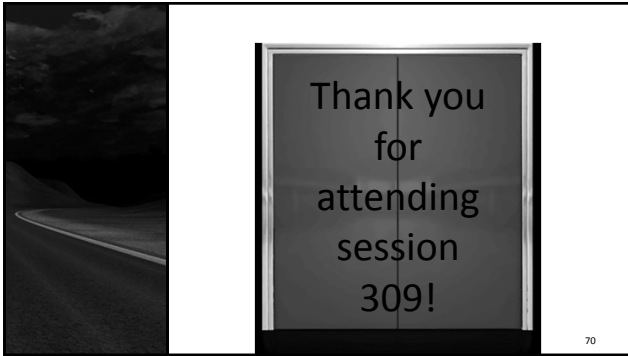


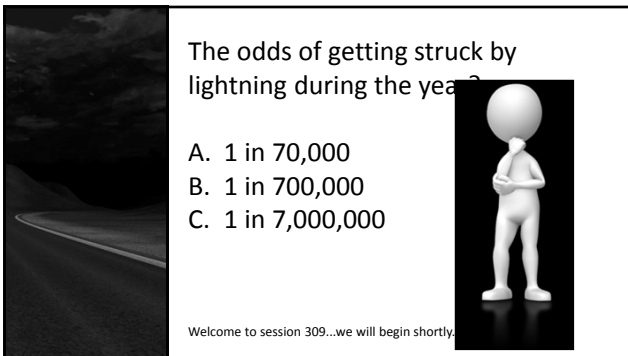
Mitigation

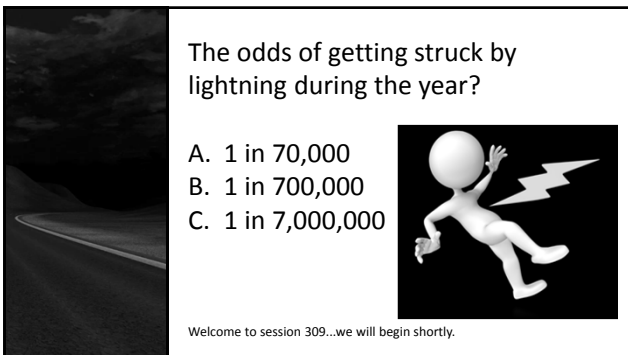
Apply resources where most effective.


High Risk → Mitigation → High Risk
High Risk → Mitigation → Medium Risk
High Risk → Mitigation → Low Risk

69











The odds of getting attacked by a shark worldwide?

- A. 1 in 5,000,000
- B. 1 in 10,000,000
- C. 1 in 15,000,000

Welcome to session 309...we will begin shortly.

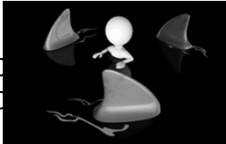





The odds of getting attacked by a shark worldwide?

- A. 1 in 5,000,000
- B. 1 in 10,000,000
- C. 1 in 15,000,000

Welcome to session 309...we will begin shortly.







The odds of being killed in an elevator?

- A. 1 in 10,000,000
- B. 1 in 20,000,000
- C. 1 in 30,000,000

Welcome to session 309...we will begin shortly.







The odds of being killed in an elevator?

- A. 1 in 10,000,000
- B. 1 in 20,000,000
- C. 1 in 30,000,000

Welcome to session 309...we will begin shortly.







The odds of winning the Powerball lottery?

- A. 1 in 100,000,000
- B. 1 in 200,000,000
- C. 1 in 300,000,000

Welcome to session 309...we will begin shortly.

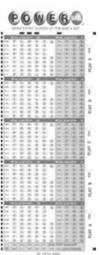





The odds of winning the Powerball lottery?

- A. 1 in 100,000,000
- B. 1 in 200,000,000
- C. 1 in 300,000,000

Welcome to session 309...we will begin shortly.







The odds of an average golfer making a hole in one?

- A. 1 in 9,000
- B. 1 in 12,000
- C. 1 in 15,000

Welcome to session 309...we will begin shortly.

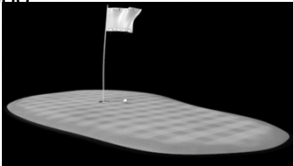





The odds of an average golfer making a hole in one?

- A. 1 in 9,000
- B. 1 in 12,
- C. 1 in 15,

Welcome to session 309...we will begin shortly.







The odds of getting blackjack?

- A. 5%
- B. 10%
- C. 25%

Welcome to session 309...we will begin shortly.







The odds of getting blackjack?

A. 5%
B. 10%
C. 25%

Welcome to session 309...we will begin shortly.







The odds of flipping a nickel and it landing on it edge?

A. 0.16%
B. 0.016%
C. 0.0016%

Welcome to session 309...we will begin shortly.





The odds of flipping a nickel and it landing on it edge?

A. 0.16%
B. 0.016% (1 in 6,000)
C. 0.0016%

Welcome to session 309...we will begin shortly.

